

REMARKS

In the final Office Action¹ mailed June 3, 2009, the Examiner rejected claims 1-4, 18, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Kindt et al. (U.S. Patent No. 7,038,820, hereafter "Kindt") in view of Clark (U.S. Patent No. 6,529,241, hereafter "Clark").

By this Amendment, Applicant proposes to amend claim 1. Support for the claim amendments can be found in the Specification at, for example, page 30, line 5 to page 31, line 7, and Figure 3. Claims 1-4, 18, and 19 remain pending and under consideration.

Applicant respectfully traverses the Examiner's rejection of claims 1-4, 18, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Kindt in view of Clark.

Claim 1, as amended, recites an imaging apparatus, comprising, among other things,

a photoreceptor element having an output line, the photoreceptor element sending an electric-signal level to the output line in accordance with an intensity of light received by the photoreceptor element, the electric-signal level attenuating from an initial electric-signal level; [and]

a comparator coupled with the output line of the photoreceptor element, the comparator comparing the electric-signal level from the output line with a threshold electric-signal level, and sending an output signal when the electric-signal level is lower than the threshold electric-signal level; . . .

wherein the threshold electric-signal level monotonically increases from an initial threshold electric-signal level to a final threshold electric signal level when the electric signal level attenuates, the initial threshold electric-signal level being lower than the electric-signal level and the final threshold electric-signal level approaching the initial electric-signal level.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

(Emphasis added). Kindt and Clark, alone or combined, fail to teach or suggest at least these elements.

For example, Kindt, at column 10, line 40-48, states,

The potential of the top plate of capacitor C40 is compared to the second reference voltage (VREF2) by comparator circuit CMP40. The output of comparator circuit CMP40 will change from a high logic level (logic 1) to a low logic level (logic 0) when the signal voltage (Vs) exceeds the difference between the first and second reference voltages [VREF1 and VREF2]. The exposure threshold for the threshold detector is determined by the difference between the first and second reference voltages.

(Emphasis added). Further, Kindt, at column 10, line 62, to column 11, line 5, states,

In one embodiment, the exposure time interval is concluded when the exposure threshold is exceeded by any one of the comparator outputs. In another embodiment, the digital timing control circuit includes a timeout feature such that infinite exposure times are avoided. The exposure threshold may be statically set by the first and second reference voltages, or dynamically set by changing the second reference voltage during the integration time interval. The control signal (CTL) of the reference circuit may be used to control the first and second reference voltages to provide either the static or dynamic exposure threshold.

(Emphasis added). Accordingly, Kindt at best discloses that the exposure time interval is concluded when signal voltage Vs exceeds the exposure threshold, which may be dynamically set to arbitrary saturation levels.

Even assuming *arguendo* that, during the exposure time interval, the exposure threshold of Kindt could increase in the manner alleged by the Examiner, Kindt does not disclose that the exposure threshold *monotonically increases* from an *initial* exposure threshold to a *final* exposure threshold, where the initial exposure threshold is lower than signal voltage Vs and the final exposure threshold approaches an initial value of signal voltage Vs.

Accordingly, Kindt fails to teach or suggest at least "the threshold electric-signal level monotonically increases from an initial threshold electric-signal level to a final threshold electric signal level when the electric signal level attenuates, the initial threshold electric-signal level being lower than the electric-signal level and the final threshold electric-signal level approaching the initial electric-signal level," as recited in claim 1 (emphasis added).

The Examiner cited Clark only as allegedly disclosing the claimed storage unit. Office Action at 6. Accordingly, Clark fails to cure the deficiencies of Kindt.

Therefore, claim 1 is distinguishable over Kindt and Clark. Claims 2-4, 18, and 19 depend from claim 1, and are distinguishable over Kindt and Clark at least due to their dependence.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing this application in condition for allowance.

Alternatively, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: July 23, 2009

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Reg. No. 28,220